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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on minority issues, Rita Izsák, in accordance with Assembly resolution 66/166.

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Report of the Independent Expert on minority issues

Summary

The present report is submitted to the General Assembly by the Independent Expert on minority issues in accordance with Assembly resolution 66/166. It provides a brief overview of mandate activities since the submission of the previous report to the Assembly. The Independent Expert then focuses on minority rights-based approaches to the protection and promotion of the rights of religious minorities.

The Independent Expert considers that globally the rights of religious minorities are poorly implemented in practice, and that in all regions they face discrimination, social exclusion, marginalization and in many instances harassment, persecution and violence. The rights of religious minorities go beyond freedom of religion and belief and non-discrimination. The wider collective rights of religious minorities are frequently neglected by Governments. The Independent Expert considers that far greater attention must be given to the rights of religious minorities in the framework of minority rights, which require positive actions on the part of States to protect and promote their rights. A minority rights-based approach, based on the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, goes beyond non-discrimination and requires legislation, policies and concrete measures to create substantive equality in all areas of cultural, economic, political, public, religious and social life.

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I. Introduction

1. The mandate of the Independent Expert was created by the Commission on Human Rights in its resolution 2005/79 and renewed by the Human Rights Council in its resolutions 7/6 and 16/6. Rita Izsák was appointed Independent Expert on minority issues by the Human Rights Council and assumed her functions on 1 August 2011.

2. The Human Rights Council has requested the Independent Expert, inter alia, to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter "the Declaration"),[1] including through consultations with Governments and taking into account existing international standards and national legislation concerning minorities. The Independent Expert wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Nazila Ghanea for their assistance in the preparation of the present report.

3. In section II, the Independent Expert provides a brief overview of her activities since the submission of her previous report to the General Assembly (A/67/293). Section III focuses on the need for minority rights-based approaches to the protection and promotion of the rights of religious minorities, and Section IV provides conclusions and recommendations in this regard.

II. Activities of the Independent Expert

4. The Independent Expert has undertaken numerous activities to fulfil her mandate during the reporting period, including consultations with States, non-governmental organizations and minority communities from all regions. A detailed consideration of her activities will be provided in her next report to the Human Rights Council.

A. Country visits

5. The Independent Expert visited Bosnia and Herzegovina (17-25 September 2012). Her visit report (A/HRC/22/49/Add.1) was presented to the Human Rights Council in March 2013 at its twenty-second session. She thanks the Government and the many officials whom she met, as well as representatives of international and national organizations and civil society, for the excellent cooperation they extended to her. She hopes that her recommendations will be implemented and contribute towards the protection of minority rights and efforts to achieve social cohesion across diverse communities.

6. The Independent Expert thanks the Government of Cameroon for extending an invitation for her to visit from 2 to 11 September 2013. She also thanks the Government of Nigeria for agreeing, in principle, for a country visit in 2013. Additional country visits are currently being scheduled, and updated information is available on the website of the Office of the United Nations High Commissioner for Human Rights (http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx).

[1] General Assembly resolution 47/135, annex.

B. Communications

7. The Independent Expert receives information from diverse sources about human rights violations perpetrated against national, ethnic, religious and linguistic minorities. She has regularly sent communications — letters of allegation and urgent action letters — to Member States relating to a wide variety of minority issues and allegations. Those communications are publicly available, together with responses received from concerned Governments, in the special procedures communications reports. She notes with particular concern the number of allegations of violations of the rights and security of religious minorities.

C. Forum on Minority Issues

8. The Independent Expert is required by Human Rights Council resolution 19/23 to guide the work of the Forum on Minority Issues and prepare its annual meeting. The fifth session of the Forum was held on 27 and 28 November 2012. To mark the twentieth anniversary of the adoption of the Declaration, the Forum focused on practical and concrete measures and recommendations aimed at ensuring its implementation in practice. The more than 400 participants included representatives of Governments, minority communities, United Nations specialized agencies, regional intergovernmental bodies, national human rights institutions and civil society. The recommendations of the Forum (A/HRC/22/60) are available from http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session5.aspx.

9. The sixth session of the Forum will take place on 26 and 27 November 2013, with a thematic focus on "Beyond freedom of religion or belief: guaranteeing the rights of religious minorities" (see http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session6.aspx). It will give a high priority to the identification of positive and effective practices that have been implemented by countries in different regions to protect and promote the rights of persons belonging to religious minorities. The present report will contribute to and inform the discussions within the Forum.

III. Minority rights-based approaches to the protection and promotion of the rights of religious minorities

A. Introduction

10. In all regions of the world, persons belonging to religious minorities face daily human rights violations. These range from violations of their individual rights and discrimination on the basis of their religious or belief identities to attacks on their community activities and violence against them, their places of worship or homes. They are targeted on the basis of discriminatory national laws and as State policy, and they suffer violations resulting from the disparate impact of apparently neutral laws, from the actions of non-State actors and from the impact of intercommunal tensions. There are millions of persons belonging to religious minorities globally who suffer human rights violations from birth until death.

11. The Expert is deeply concerned about information that she receives from religious minorities that reveals widespread violations of their civil, cultural,

economic, political and social rights. Analysis of the communications reports of Special Procedures since 2011[2] reveals violations including: limits on, and the denial of, registration; fining owing to the possession of religious literature and bans on that literature; refusing to allow preaching without permits; prohibiting religious activity and restrictions on the right to assemble, worship and practice; forced re-education and the denial of access to education; arrest, arbitrary detention, imprisonment and prosecution of conscientious objectors; the closure of monasteries and the refusal of permission to renovate or construct places of worship; the destruction of religious property, historic sites and graves; disbanding religious gatherings; and prohibiting the observance of religious holidays and celebrations.

12. The communications reports also reveal acts of harassment, intimidation, violence and sexual abuse, including: threats against activists and lawyers who represent religious minorities; attempts at forcible conversion or recantation under threat of death; threats, interrogation, abduction and kidnapping; deportation, expulsion, disappearances and death threats; forced labour and torture in order to obtain false confessions; searches and raids of homes, and confiscation of property; hate-motivated attacks on property; and mob violence, suicide bombings and execution.

13. The Pew Research Center has observed that harassment or intimidation of specific religious groups occurred in 160 countries in 2011, the same number as in the year ending in mid-2010. Based on a five-year study, it found that religious groups had been harassed in a total of 185 countries at one time or another over this period.[3] The weight of information received by the Independent Expert and the extent and nature of rights violations, including violations of minority rights, suggest that some States continue to pursue an intentional policy of discrimination, persecution and violations against persons belonging to religious minorities.

14. The violations faced by religious minorities lie at the intersection of a number of realities, including the State's religion or ideology relationship, the State's demographic makeup, the constitutional and legislative framework, the personal status laws, intercommunal relationships and the role of non-State actors — each of them and their combined effect have a profound impact on the human rights situation of religious minorities. Historical, geopolitical and inter-State factors may in some cases exacerbate the discrimination, exclusion and vulnerability experienced by religious minorities. National and international human rights responses to the challenges faced by religious minorities must seek to uphold their equal enjoyment of international human rights, including through the protection and promotion of minority rights.

15. International standards require the enjoyment on an equal basis of all human rights by all.[4] However, many State religion and State ideology relationships result

[2] The communications reports of Special Procedures since the eighteenth session of the Human Rights Council (A/HRC/18/51 and Corr.1; A/HRC/19/44; A/HRC/20/30; A/HRC/21/49; A/HRC/22/67 and Corrs.1 and 2; A/HRC/23/51) include 46 communications in relation to 22 States from all regions regarding violations of the rights of religious minorities that are particularly relevant to this report.

[3] See Pew Research Center, Religion and Public Life Project, study entitled "Arab Spring Adds to Global Restrictions on Religion", 20 June 2013, available from http://www.pewforum.org/2013/06/20/arab-spring-restrictions-on-religion-findings.aspx#changesgr.

[4] See Human Rights Committee, General comment No. 22 (48) (art. 18) (CCPR/C/21/Rev.1/Add.4, para. 9).

in discrimination and violations against religious minorities. Some States have discriminatory provisions enshrined in their constitutional, civil and criminal laws that have a severe impact on religious minorities. Violations do not exist solely in States in which the Government and its institutions are linked to the predominant religion. Some States that declare a secular position are also highly intolerant of religious or belief communities, their associations, activities and manifestations. Although such States may strike some level of coexistence with the majority religion, they are often negligent or dismissive of their human rights duties towards religious minorities. Respect for the rights of religious minorities does not, therefore, automatically flow from any specific model of State religion or ideology.

16. Insufficient attention paid to the group rights of religious minorities results in experiences of discrimination, exclusion and marginalization and creates and perpetuates discriminatory conditions under which religious minorities are made vulnerable. Religious minorities are frequently national, ethnic or linguistic minorities. Discrimination against them may be compounded, intersectional and based not only on their religious identity, but also on their ethnic and linguistic identity, and perceptions of them as "other" or not fully belonging.

17. Where patterns of violations against minorities are long established, there is a risk that the international community may view such tensions as intractable. This is particularly the case with religious minorities, the violations of whose rights may be considered an inevitable consequence of a particular State religion or State ideology. States with a shared State religion or ideology pattern may be blind to such violations, and other States may be reluctant to intervene. International human rights law needs to reclaim the full equality of religious minorities and not concede their human rights as part and parcel of particular power or demographic relations.

18. Consideration of minority issues must necessarily also examine challenges that exist within or emanate from religious minorities, and the fact that discriminatory attitudes or established perceptions exist in both majority and minority communities. Such attitudes may lead, for example, to isolationist tendencies on the part of minorities, hampering their full integration and participation in all aspects of society.

B. Methodology

19. The Independent Expert's evaluation of minority issues is based on the Declaration and other relevant international standards. She identifies four broad areas of global concern: (a) the protection of a minority's existence, including combating violence against them and preventing genocide; (b) the protection and promotion of the identity of minority groups and their right to enjoy their collective identity and to reject forced assimilation; (c) the guarantee of the rights to non-discrimination and equality, including the ending of structural or systemic discrimination and the promotion of affirmative action when required; and (d) the right to effective participation in public life and decisions that affect them.

20. The Independent Expert carried out a questionnaire-based survey that was sent to United Nations Member States (April-June 2013). The questionnaire focused on the identification of challenges and positive practices for the protection and promotion of the rights of religious minorities, including the identification of initiatives in the area of interfaith dialogue and the promotion of understanding and harmonious relations

between those of different faith groups. She thanks the 32 States[5] that have responded to date and has sought to reflect elements of those responses in the present report.

21. The present report complements and supplements the excellent work undertaken by the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, which has addressed challenges to freedom of religion experienced by religious minorities. The Independent Expert particularly welcomes the report of the Special Rapporteur on freedom of religion or belief (A/HRC/22/51), which addressed the protection of the freedom of religion or belief of persons belonging to religious minorities, with a focus on conceptual clarifications and violations — both multifaceted motives and settings of violations and specific areas of violations against religious minorities.

22. The Independent Expert participated in an expert seminar on enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities, which was held at the Vienna Diplomatic Academy on 22 and 23 May 2012. The seminar was hosted by the Government of Austria and was organized with OHCHR as part of the activities marking the twentieth anniversary of the adoption of the Declaration.

23. On 19 and 20 November 2012, the Independent Expert participated in an event in Doha on the theme "Reflections on the inclusion of human rights in the process of constitutional reforms in the region of the Middle East and North Africa", organized by OHCHR. She highlighted the fact that implementation of the Declaration should be strengthened in the region and that strong provisions for minority rights in constitutions and national law are important components of protection.

24. The Independent Expert participated in a conference organized by the Ministry of Foreign Affairs of Norway on the theme "Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond", held in Oslo on 14 and 15 May 2013. She shared her concerns about rising extremism and racism against religious minorities, including Muslims and Jews in Europe, and the need for increased protection of minorities who are often unable to effectively defend themselves without the active involvement and support of the State.

25. The Independent Expert held a two-day expert consultation in Geneva in June 2013, which addressed challenges and rights violations experienced by religious minorities. Participants included representatives of United Nations Member States and representatives of civil society organizations and religious minorities. The workshop identified national, regional and international laws, policies, programmes, initiatives and practices for the protection of the rights of religious minorities.

26. The Independent Expert adopts an inclusive approach to which groups fall within the scope of "religious minority". She is guided by the Human Rights Committee's General Comment 23 (50) (art. 27) which emphasizes that the existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but is required to be established by objective criteria (see CCPR/C/21/Rev.1/Add.5, para. 5.2). She recognizes the right

[5] Argentina, Austria, Australia, Bosnia and Herzegovina, Bulgaria, China, Cuba, Denmark, Estonia, Guatemala, Iraq, Islamic Republic of Iran, Italy, Jordan, Latvia, Lithuania, Luxembourg, Mauritius, Mexico, Mongolia, Montenegro, Oman, Pakistan, Paraguay, Poland, the Republic of Moldova, Serbia, Slovakia, Spain, Switzerland, Thailand and Ukraine.

to self-identify as belonging to a religious minority or not to do so, and does not limit her attention to officially recognized groups. Consequently, references to "religious minorities" encompass a broad range of religious or belief communities, traditional and non-traditional, whether recognized by the State or not, and include more recently established faith or belief groups that seek the protection of their rights under minority rights standards. Non-believers, atheists or agnostics may also face challenges and discrimination and require protection of their rights.

C. Considerations on the rights of religious minorities under international law

27. International human rights standards have been built on the foundation of non-discrimination. The premise of the Universal Declaration of Human Rights is that everyone should enjoy their rights "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (art. 2). The insistence on non-discrimination and equal enjoyment of human rights serves as the uncompromising premise of all subsequent norms in all human rights treaties and declarations. Enjoyment without discrimination also serves as the whole rationale behind minority rights.

28. While clearly falling within the scope of the 1992 Declaration on Minorities, which explicitly provides for four categories of minority groups (national, ethnic, religious and linguistic), attention to religious minorities has frequently historically fallen under international standards relevant to freedom of religion and belief.

29. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (see General Assembly resolution 36/55) does not explicitly mention religious minorities. However, it establishes non-discrimination and equality as key principles. Article 2, paragraph 1, stresses that no one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or belief. Article 3 clearly establishes that discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations.

30. Article 27 of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI), annex) provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. Article 27, which is the most important, is a legally binding treaty provision dedicated to minorities. Its scope extends beyond freedom of religion or belief, while fully preserving the substance of the provisions of article 18 on freedom of thought, conscience and religion. Nazila Ghanea, however, has pointed out the dearth of consideration of religious minorities as minorities in the jurisprudence of the Human Rights Committee on article 27 and their overall exclusion to date from consideration under article 27.[6]

[6] Nazila Ghanea, "Are Religious Minorities Really Minorities?", *Oxford Journal of Law and Religion*, Vol. 1, No. 1 (2012), pp. 57-79.

31. The Declaration on Minorities, inspired by article 27 of the International Covenant on Civil and Political Rights, establishes the responsibility of States to ensure the protection of minority religious identity. However, importantly, it goes much further in its scope and elaborates positive requirements for the protection of minority group rights beyond freedom of religion and religious identity. Article 1, paragraph 1, establishes that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. Article 1, paragraph 2, requires a positive obligation on States to adopt appropriate legislative and other measures to achieve those ends. Throughout the Declaration, the positive obligations of States to protect and promote minority rights are emphasized.

32. Article 2 outlines that minorities have the right to establish and maintain their own associations (art. 2, para. 4); and to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related (art. 2, para. 5). Article 2 underscores the right to participate effectively in cultural, religious, social, economic and public life and to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live.

33. Positive obligations of States are further emphasized in the requirement for States to take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (art. 4, para. 2). States are also called upon to take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory (art. 4, para. 4). Article 5 requires national policies and programmes to be planned and implemented with due regard for the legitimate interests of persons belonging to minorities, as well as programmes of cooperation and assistance among States.

34. A minority rights-based approach to the protection of the rights of religious minorities is an obligation of all States. Minority rights require a broad protection of the culture, languages, traditions and customs of religious minorities and understanding of leadership and customary law structures that might result, for example, in consideration of special or autonomous arrangements. It requires the State to take positive measures both in respect to the rights of minorities to enjoy and practise their religion and all aspects of their identity, and also in respect to their equal place in society and their ability to participate fully in economic, political and social life.

35. The scope of both minority rights and freedom of religion or belief is wide and inclusive. This is clear from the relevant norms enshrined in articles 18 and 27 of the International Covenant on Civil and Political Rights as well as the related General Comments 22 and 23 of the Human Rights Committee relating to the right to freedom of thought, conscience and religion and minority rights, respectively. Minorities are to enjoy culture, religion and language, and freedom of religion or belief is to include manifestation in "worship, observance, practice and teaching". This scope is also upheld in other instruments such as articles 14 and 30 of the

Convention on the Rights of the Child.[7] Those standards therefore call upon States to seek to allow for and actively facilitate the adequate functioning of religious minorities in all their related activities.

36. The Human Rights Committee has recognized that the situation of "non-traditional" minority religions and beliefs gives cause for concern and has noted a tendency to discriminate against newly established religious and belief groups,[8] and hostility against them. Consequently, in its General Comment 22, the Committee stressed that the terms "belief" and "religion" should be broadly construed and that application of article 18 of the International Covenant on Civil and Political Rights must not be limited to traditional or predominant religions. The State must therefore also ensure non-discrimination and equal enjoyment of human rights for smaller, dispersed or newly arrived religious communities.

37. Understood and implemented in human rights terms, minority rights aim to guarantee equality, not to provide privileges. Minority rights ensure equality for persons and communities who share characteristics they wish to maintain along with others, but which are held by those who are not dominant in terms of numbers or power. Even among those States that support minority rights, there may be a particular challenge entailed in relating minority rights standards to religious minorities. Even legal regimes that allow for religious pluralism but do not take account of minority status may fall short of the positive obligations that are owing to and required by religious minorities.

38. Some States either lack adequate legislation for the protection of the rights of religious minorities or limit the applicability of legislation to a few recognized religious groups. Other States have laws and policies in place that should facilitate the full range of religious minority activities, in private, in public and in community with others. Non-discrimination legislation is also frequently in place that should provide a platform to ensure equal treatment of all, including religious minorities, in such key areas as education, employment, access to goods and services, and access to judicial remedy. However, even where such legislation exists, in practice it is frequently poorly implemented or monitored.

39. At the regional level, some positive practice exists, for example the European Union Employment Equality Directive, adopted in 2000, which requires Member States to protect against discrimination on the grounds of religion or belief in employment, occupation and vocational training. All Member States were required to transpose the Directive into domestic law by 2 December 2003 and monitor and report on its implementation. Such developments are to be welcomed as concrete steps towards ensuring the rights of religious minorities. However, implementation at the national level remains problematic in some States. Strengthening regional provisions and monitoring for the protection of religious minorities in all regions would provide a valuable impetus for States to improve legislation and policy and practice.

40. Recent United Nations attention to religious minorities reflects the seriousness of their situation worldwide. On 22 March 2012, the Human Rights Council adopted

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[8] See communications reports of Special Procedures, A/HRC/22/67, p. 17, UZB6/2012, regarding alleged imminent deportation and revocation of residence permit owing to the sharing of beliefs with an interested person, possession of religious literature and "illegal religious activity".

resolution 19/8 on freedom of religion or belief, which emphasizes the responsibility of all States to promote and protect the rights of religious minorities. It highlights the fact that frequently they are adversely affected by negative stereotypes and face violence and the impact of religious extremism. It condemns violence and acts of terrorism and calls on States to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator. It urges States to promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge of the history, traditions, languages and cultures of religious minorities.

D. Essential elements of a minority rights-based approach to protection of the rights of religious minorities

41. Based on the four pillars of minority rights concern — protection of existence, protection and promotion of identity, non-discrimination and equality, and participation in public life — the Independent Expert highlights below a number of issues with regard to the rights of religious minorities and areas of concern that require particular attention by States, regional bodies and the international human rights regime. Those issues are not exhaustive, and space constraints preclude a full discussion.

1. Mapping, understanding and gathering data on religious minorities

42. To respond appropriately to the rights and needs of religious minorities requires a comprehensive knowledge of religious diversity and minority communities. However, information suggests that many States are not well aware of the picture of their religious minorities and lack a full understanding of their numerical size, distribution, socioeconomic conditions relative to other groups, and the challenges that their members face. A full picture of the religious and belief diversity relies primarily on self-identification by concerned persons. It should include all religions, not only those listed in the constitution, specified in a closed list by the Government, or recognized by the theology or ideology to which the State associates itself.

43. A full picture requires up-to-date disaggregated data, research by national statistical bodies, academia or civil society actors. This should be updated regularly in order to pick up on changes to birth rates, migration flows and patterns of belief. Research should be sophisticated enough to reveal the different situations of women, young people and others who may face particular challenges. It should include beliefs as well as religions. As a basic minimum standard, regular census surveys should include voluntary questions on religion that allow individuals to self-identify and that provide a valuable resource for deeper statistical analysis.

44. The reality of minorities within minorities and the centrality of self-definition should not be neglected. Religious minorities may be characterized by both unity and diversity, by obedience and solidarity, as well as by multiple and emerging histories. Diversities of nomenclatures, self-ascriptions of terms to describe the group or its practices, the multiplicity of groups that share holy figures or sites of significance, those all need to be acknowledged. The complexity of arising issues cannot be ignored away. Further, the ignorance of the public at large regarding the

variety of groups and values under a particular religion or belief "header" and their demographic profile needs to be challenged.

2. Equal citizenship

45. Certain religious minorities unfortunately experience denial or deprivation of citizenship as a policy of discrimination, partly or wholly on the grounds of their religion or belief, with severe implications for the enjoyment of all their human rights (see A/HRC/7/23, paras. 49-70, and A/63/161, paras. 25-78). Unless legitimate grounds exist, in line with international standards, non-discrimination obligations demand that citizenship be granted on an equal basis to all.

46. In Rakhine State in Myanmar, for example, an estimated 800,000 Rohingya Muslims are not recognized as citizens of the majority Buddhist State despite the community having been resident in the country for generations. Effectively stateless persons, they have faced systematic violation of their rights in all walks of life, including their participation in economic, political and social life. Violence between Buddhists and Rohingya in 2012 resulted in the displacement of tens of thousands of Rohingya and some Buddhists to camps for internally displaced persons. Denial of full citizenship is considered a root cause of human rights violations against this religious minority community (see A/HRC/22/49).

47. The enjoyment of equal citizenship requires that religious minorities should enjoy all their rights in equality with other citizens, for example, to hold all posts within the jurisdiction of a State. This should include, for example, access to higher education and professional training as well as the highest posts within the State, the political leadership, educational institutions, the armed forces and in the media, and so on. Such equality may be in addition to the State having made the case for legitimate different treatment through quotas of seats or their representation at particular levels of Government. Quotas are not a concession or "privilege" that can absolve the State from issuing unequal citizenship to religious minorities.

3. Education

48. Religious minorities — like all minorities — should be able to educate their children about their beliefs, practices, history and culture. Positive practices result in educational environments that are welcoming and appropriate to those from diverse religious communities. However, the educational rights of religious minorities are routinely violated around the world. Minority children may be ridiculed and humiliated by school authorities. School texts may exclude reference to religious minorities or misrepresent historical facts about them. In extreme cases, such texts cruelly stereotype them, falsify their religious texts, or accuse them of being politically suspect. Religious minorities may be denied meaningful access to tertiary education owing to their religious affiliation,[9] thus denying them access to some professions.

49. The religion or belief of teachers, too, may have an impact on their employability and promotion. Pupils, teachers, parents and their respective

[9] Communications reports of Special Procedures, A/HRC/22/67, p. 165, IRN8/2011, regarding alleged arrests and arbitrary detention, raids and search of households, arrests and interrogation as part of a continuous effort to deny access to education to members of the Baha'i religious minority.

communities can be caught up in the consequences of those violations of general human rights and minority rights provisions. In numerous States, teaching and interaction with the younger generation is considered an influential position, one deemed too sensitive to trust a person belonging to a religious minority within Government schools. In some countries, they may be allowed to teach only in minority faith schools.

50. Schools may serve as sites for the perpetuation of a singular religious or ideological ideal, failing to take on board religious or belief diversity, erasing all symbols of such difference, and aiming to assimilate all into an (intolerant) national "unity". In some countries, regions or schools with diverse religious communities teach only the majority religion. For example, in Bosnia and Herzegovina, visited by the Independent Expert in 2012, Bosniak, Croat and Serb communities remain largely divided along religious and ethnic lines. Religious education is provided only in the majority religion and serves to reinforce differences and exacerbate divisions between young people and communities.

51. International norms insist upon non-discrimination on the basis of religion in relation to the enjoyment of economic, social and cultural rights, including in relation to the right to education. The four standards considered to be interrelated and essential features for implementation of the right to education[10] (availability, accessibility, acceptability and adaptability) are also relevant in terms of the availability of and access to education for religious minorities. Regarding the latter, the Human Rights Committee explained that the International Covenant on Civil and Political Rights permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way, whereas public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians (see CCPR/C/21/Rev.1/Add.5, para. 6).

4. Access to justice

52. Religious minorities are frequently denied equality of the law and equality before the law in courts that are guided by overtly discriminatory constitutional and other legal provisions. Such laws may grant them second-class status, or no legal recognition whatsoever. In some jurisdictions, religious minorities may be classified in law or in the perception of law enforcement bodies as infidels, separatists, suspect terrorists or non-protected persons, which renders their community rights non-existent. Conversion to a religion or belief that is undesirable in the view of the State may lead to the "civil death" of those persons.

53. Religious minorities should always be able to avail themselves of complaints procedures and civil remedies in the courts. Nevertheless, barriers often exist to their access to justice, which must be addressed. Minorities may be reluctant to bring complaints to the police owing to hostility or the reluctance of authorities to receive their complaints, or general poor relations of religious minorities with law enforcement bodies. Women may face particular problems or anxiety in bringing complaints. Where the courts are, or are perceived to be, highly influenced by the

[10] See reports of the Special Rapporteur on the right to education and General Comment 13 of the Committee on Economic, Social and Cultural Rights.

dominant State religion, minorities may feel that such justice bodies are inappropriate to their needs, especially where national laws discriminate against them. Religiously diverse societies should take steps to ensure that religious minorities are represented in law enforcement bodies and the judiciary and that, where appropriate, training or special judicial mechanisms that meet the needs of religious minorities are put in place.

54. In numerous States, the recognition of a number of personal status law codes locks religious minorities into systems of laws that may have negative implications for the enjoyment of their rights. Such laws may not allow them, for example, to marry outside their religion. They may oblige them to accept the polygamy of their partner, and they may disinherit them should one of their siblings choose to convert into a particular religion. Such laws may rob them of the opportunity to gain custody of their children on grounds of their remarriage, or their children might automatically be taken away from them at particular ages if they are divorced. Some laws may give religious minorities no option to apply for divorce or may force them to make enormous financial sacrifices in order to obtain a divorce.

55. All of the above might be forced upon them on the grounds that it is "respectful" of the laws of their religion, but may do so without asking them what their religion or belief is, how they interpret it and which legal system they ascribe to. Most worryingly, it may do so without giving them any opportunity for a civil alternative, any option for exit from such legal provisions and, indeed, no opportunity for adopting or changing their religion or belief. The State should not only be mindful of these vast arenas of discrimination, which may indeed have a coercive impact on the freedom to hold religion or belief,[11] but needs to ensure that it fulfils its due diligence obligations with respect to all such violations. This includes obligations with respect to violations that may result from the actions of non-State actors,[12] and violations that may primarily occur in the private sphere.

5. Women and girls belonging to religious minority communities

56. Women frequently experience multiple or intersecting forms of discrimination emanating from their status as members of religious minorities and as women or girls. This may make women and girls belonging to religious minorities particularly vulnerable to violations of their rights in both public and private life.[13] Women from religious minorities are often particularly poorly represented in public, economic and political life, and efforts should be made to encourage and facilitate their participation and integration in all walks of life.

57. Barriers to the full enjoyment of their rights may exist owing both to discrimination in wider society and to factors such as strictly defined gender roles within minority communities. Recent debates regarding the accommodation of religious dress, particularly for women in the workplace, have had an impact on the ability of some minority women to access labour markets or even public services.

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[11] Article 18, paragraph 2, of the International Covenant on Civil and Political Rights states that no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

[12] Communications reports of Special Procedures, A/HRC/22/67, p. 25, KGZ4/2012, regarding alleged destruction, arson attack and looting of a religious centre by mobs.

[13] Communications reports of Special Procedures, A/HRC/23/51, p. 62, IRQ1/2013, regarding alleged abduction of a minor girl, forced marriage and forced conversion.

While offering general recognition and respect for the religious and cultural practices and traditions of minorities, it is the responsibility of Government and minorities alike to ensure that those practices and traditions do not contravene the human rights of any individual.

58. An intersectional and claimant-centred approach is important to protect the rights of women belonging to religious minorities. Women should not be externally compelled, in seeking remedies for violations, to choose from among their religion, their community and their rights. The authorities should seek to respond to the situation in a manner that upholds women's agency, utilizes dispute resolution procedures where appropriate, and is sensitive to intersectional belonging in the way that those women freely define it. The fourth session of the Forum on Minority Issues, which was held in November 2011, was dedicated to the theme "guaranteeing the rights of minority women and girls"[14] and produced concrete recommendations to protect the rights of minority women and girls.

6. Recognition and registration

59. Where they are fully recognized as distinct religious communities with specific needs and equal rights, religious minorities may find an enabling and non-discriminatory environment that facilitates and ensures their minority rights. Where religious communities are not recognized, severe barriers may exist for them not only in terms of their right to practise their religion freely, but also in their ability to participate fully and equally in all aspects of society. The requirements of religion, for example with regard to the establishment or renovation of places of worship, administrative offices, religious community centres or associations and the establishment of service providers for specific dietary or other requirements, mean that recognition is particularly important.

60. Many States have established registration processes in order for religious communities to be able to become legally recognized and benefit from legal and policy measures enabling them to manage their communal activities. However, some States base recognition on historical provisions and structures and consequently grant recognition to only a few religious minorities present in the State.[15] States with a dominant State-religion relationship may be strongly influenced by that religion's dictates regarding which religious minorities are officially recognized and which are not. States with a dominant State-ideology relationship or secular States alike may not understand the range of community activities associated with religious minority "existence and continuity" and, whether intentionally or otherwise, may restrict the legitimate enjoyment of related rights.

61. It is essential to ensure that all procedures for registration are accessible, inclusive, non-discriminatory and not unduly burdensome.[16] Registration procedures designed to limit beneficiaries due to political or social intolerance run afoul of human rights standards. Those intended to exclude non-traditional religions or

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[14] See http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session4.aspx.

[15] This contrasts with the view of the Human Rights Committee, which insists that "existence" does not depend on the decision of States parties but is required to be established by objective criteria (see CCPR/C/21/Rev.1/Add.5, para. 5.2).

[16] Communications reports of Special Procedures, A/HRC/19/44, p. 35, HUN2/2011, regarding alleged draft bill requiring re-registration and severely restricting qualification for "religious communities" rather than "religious organizations".

beliefs — pertaining, for example, to newer communities, migrants, or new religious movements — also contravene human rights standards and result in undue restrictions on rights. Both those objectives may be owing to the prevalence of discrimination against particular religious minorities. Freedom of religion or belief has a status prior and independent of any administrative recognition procedures, and religious minorities should be respected in their freedom of religion or belief even without any registration.

62. Some States demand the declaration of religious affiliation on identity cards and other official documentation. The enjoyment of rights may then be precariously conditional on ascription to a closed list of particular religions or be utilized to ensure the impossibility of conversion and the denial of the existence of any other beliefs. Refusal to abide by such requirements may result in the denial of a number of basic rights: from the registration of births, marriages and deaths; school and university entrance; obtaining passports, driving licences, bank accounts and property; access to health provisions; and so on. The restrictions amount to violations that destroy the very foundations of minority rights. Compelling people to identify religion or belief on official documents undermines the explicit assertion developed by the United Nations Human Rights Committee that no one can be compelled to reveal his thoughts or adherence to a religion or belief.[17]

63. Recognition and non-discriminatory registration may prove essential to the maintenance of religious identity. For example, teaching religion or belief requires the State to not criminalize or restrict the teaching or proselytizing of religion or belief and for any limitations to be strictly within the legal limitations outlined in article 18, paragraph 3 of the International Covenant on Civil and Political Rights. Charitable activities, for example, require sufficient recognition to allow the group to legally gather and hold such events. Respect for the appointment and election of leaders requires non-interference on the part of the State and some recognition of the appointment or election system in terms of recognition of the relevant leader(s) or spokesperson(s) as a representative of that community.

7. Legislative protection

64. The Declaration calls upon States to undertake a range of efforts in creating an environment for the enjoyment of minority rights, including through the adoption of appropriate legislative and other measures (art. 1, para. 2). Domestic minority rights and anti-discrimination legislation is essential to the full implementation of standards at the national level. While an increasing number of countries may have anti-discrimination provisions in law, many still do not, and even where laws do exist, minority rights provisions are frequently excluded, restrictive or weak and poorly enforced.

65. Religious minorities should be able to avail themselves of universal human rights provisions relating to equality of the law and equality before the law. In addition, they should be able to avail themselves of freedom of religion or belief rights and non-discrimination on the basis of religion or belief. As part of minority rights, religious minorities should also have access to further legislative protections aimed at ensuring the survival and continued development of their religious,

[17] See CCPR/C/21/Rev.1/Add.4, para. 3; see also A/63/161, paras. 45-54 and 75-78.

cultural[18] and ethnic characteristics. However, religious minorities are routinely denied access to those legislative provisions. Indeed, in some States it is imperative that existing constitutions and laws be reviewed and amended in order to abolish discriminatory provisions that have direct or indirect negative impact on religious minorities.

66. The State also has due diligence obligations with regard to the enjoyment of human rights. Those obligations relate to preventing violations and protecting persons from them. When violations have occurred, the State has the obligation to appropriately investigate, to compensate victims and to exert serious efforts to prevent repetition. The prevention of violations relates to those carried out by non-State actors and even in the private sphere.

67. The Independent Expert, in her previous report (A/67/293) highlighted the fact that institutional attention to the rights of minorities is the logical next step from legislation to implementation and positive action, and is essential for the protection and promotion of minority rights. Relevant governmental ministries, national human rights institutions and other national bodies as well as civil society groups should institutionalize expertise on minority issues and minority rights as a means of promoting action and minority rights implementation. For religious minorities this may include such components as specific sections, units or departments with responsibility in areas related to religious minorities or, at a minimum, the recruitment of appropriate experts and advisers from religious minority communities to act in advisory capacities.

8. Participation

68. The imperative for the participation of religious minorities is upheld in the Declaration, which calls upon the State to enable minorities to "participate effectively in cultural, religious, social, economic and public life" (art. 2, para. 2), to "participate effectively in decisions on the national and, where appropriate, regional level" (art. 2, para. 3); and highlights that "States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country" (art. 4, para. 5).

69. Despite those provisions, evidence from all regions indicates that religious minorities may face particular and persistent barriers to their participation in all aspects of civil, cultural, economic, social, political and public life. Long-standing patterns of discrimination and unequal treatment may gradually lead to religious minorities themselves internalizing their status as "others". This may lead to an intergenerational burden of exclusion, which is highly prevalent in many States and may lead to a lack of engagement of religious minorities with wider society and public life that is counter to the objective of positive integration.

70. Religious minorities should consider strategies for constructive resilience in the face of persecution and project a positive role in their rehabilitation as equals in society where possible. This does not absolve States of their responsibility, but can nevertheless precipitate positive social developments in society at large. Indeed, Governments should lead by example by adopting measures, including affirmative

[18] Communications reports of Special Procedures, A/HRC/22/67, p. 68, CHN8/2012, regarding alleged forbidding of the marking of certain religious holidays and celebrations, arrest of pilgrims and undermining of culture and expression.

action measures where necessary, to ensure that public employers reflect the religious diversity in society.

9. Role of the media

71. The media are key in shaping societal perceptions, and their often negative role in relation to minorities, and particularly religious minorities, is frequently cited. Participation in the mainstream media for religious minorities is essential. Part of the rationale for facilitating access to the media for religious minorities is to allow them to communicate their views and counter the prejudices and stereotypes that wider society may hold. Another rationale is for religious minorities to contribute content and expertise to the media in order for others to learn about their communities. This knowledge supports social cohesion, counters political forces that wish to paint all religious minorities as lacking in loyalty or as extremists, and enriches the pluralism and diversity of societies.

72. In this context, the Rabat Plan of Action notes that States have the responsibility to ensure space for minorities to enjoy their fundamental rights and freedoms, for instance by facilitating registration and functioning of minority media organizations. States should strengthen the capacities of communities to access and express a range of views and information and embrace the healthy dialogue and debate that they can encompass.[19]

73. The media should also be mindful of who they select to represent religious minority voices. Too often the most intolerant — and often also least representative — so-called leaders are picked by the media, and this may lead to perceptions that those views are mainstream among religious minorities. It seems that mainstream and more grounded voices within the religious community concerned are not sensationalist enough for some programmes. Giving media time to fiery rhetoric, especially subsequent to intercommunal tensions or events, can be irresponsible and undermine years of investment by moderate elements in the advancement of community understanding and cohesion. Journalistic ethics can play an important role here, as would a well-developed and independent media monitoring body.

74. Minority representation in the media is one such key concern. The knowledge base of the public is often more limited concerning the culture, values and positions of minorities since they are commonly numerically smaller in number and are not the holders of power. It may be the case that outreach to minority communities is required to encourage participation, seek expertise and build trust, as well as to encourage those from minorities to take up opportunities provided by the media and to become active in producing and contributing to media content. In addition to such access to the mainstream media, minorities have the right to establish their own media and should be supported in efforts to do so.

75. Special consideration should be given to facilitating the right of reply for religious minorities. This should be regardless of the principle of the independence of the media, and regardless of whether it concerns the private or public media.

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[19] Reflecting the conclusions and recommendations emanating from four regional expert workshops organized by OHCHR in 2011, and adopted by experts in Rabat on 5 October 2012. See Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, A/HRC/22/17/Add.4, appendix.

When religious minority characteristics, affiliations or values are represented stereotypically in the media, the right of reply would allow the religious minorities concerned to challenge singular stereotypes and open up the debate. This is necessary not only for minority rights, but also for respect, harmony and coexistence in society at large. It can also ease community relations and promote understanding at the national and international levels. It can prevent misunderstandings from escalating and from racist political groups from exploiting such stereotypes.

76. Too often the media regrettably falls short of required norms and sometimes plays a negative role. Nevertheless, the media can play a significant role in overcoming derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, which is essential in order to ensure understanding and respect of those various groups. Positive examples include the production of factual programmes about and by religious minorities, positive news, and debate and discussion during prime viewing hours.

10. Consultation with minorities

77. For States to be able to fulfil their obligations under international human rights provisions, a first step must be for them to consult directly with the religious minorities. The most obvious reason for consultation lies in their very diversity. One of the very rationales of minority rights is that of disparate impact. A State may treat all its population equally, but this can result in serious negative consequences for religious minorities whose distinctive characteristics may require specific provisions, for example with regard to worship requirements, matters of conscience, dress or diet. Without including religious minorities in questions and decisions that concern them, their issues cannot be taken into consideration. Consultation with minorities constitutes a core requirement of human rights standards, including the Declaration.

78. Consultation must not be restricted to religious or community leaders who may constitute a frequently male and older profile, but should wherever possible include women, youth and others. Detailed knowledge of religious and belief minorities and consultation with them is required to facilitate their engagement in public life. Understanding the worldviews of religious minorities, their motivations and communitarian ideals, facilitates their inclusion in leadership positions, the media, the rank of the State's educationalists and role models, political and other public figures, lawyers, human rights defenders and armed forces.

11. Security and protection for religious minorities

79. The Independent Expert is deeply concerned by rising tides of violent attacks against religious minorities in all regions. Underlying the full enjoyment of rights by religious minorities is the imperative of the enjoyment of security. Article 1 of the Declaration requires that States shall protect the existence of minorities. The primary duty of States in relation to religious minorities is to protect their fundamental rights and security and ensure that State actors themselves are not contributing to the insecurity of those minorities.

80. Protection of the security of religious minorities requires numerous positive actions on the part of States, particularly in situations of ongoing conflict or in which tensions are heightened or historic conflicts or grievances have occurred. Such actions include active engagement with religious minorities, full understanding of their situations and security concerns, the monitoring of non-State actors that

might incite religious intolerance or violence, and the establishment of relevant oversight procedures and training programmes. In situations of conflicts involving religious minorities in which emergency laws, military courts or special security arrangements are in place, it is particularly necessary to ensure that the rights of religious minorities are protected in the context of those special security or emergency measures.

81. Information received from all regions regrettably reveals the far greater risks faced by religious minorities both in times of peace and during conflict and post-conflict contexts. Such persons may be individually targeted or face insecurity primarily during community activities. At the level of the group, violations include forced displacement and cultural cleansing of towns, villages and other territory from "impure" and "dehumanized" religious "others". In a world of increasing sectarianism, vigilance regarding the vulnerability of minorities within minorities and intra-religious or interdenominational tensions is also necessary.

82. Religious minorities often find themselves in conditions of structural vulnerability which can lead to a vicious circle that perpetuates discrimination, hostility, insecurity and violence. Oversight procedures over the security forces throughout the jurisdiction are required, particularly in border areas or areas with a larger religious minority presence. Training programmes need to ensure that State actors from the local level upwards are aware of the particular risks of insecurity faced by minorities.[20] An essential step is to put in place adequate legislation to address both acts of violence and incitement to religious and ethnic hatred and violence and to ensure that they are fully enforced in practice with appropriate penalties.

83. In some States, religious minorities may be at significantly greater risk of arbitrary arrest and detention on the basis of their religion, their religious or social functions or their activities to claim their rights or peacefully protest. Several communications by Special Procedures to States have been based on allegations regarding arrest and sentencing (including death sentences) of members of religious minorities on the grounds of their religion or legitimate religious or human rights activities. Information provided alleged that in such cases trials often do not comply with international standards of fair trial and due process. Another context of insecurity is the situation of religious minorities during incarceration. Standards upholding the freedom of religion or belief rights of prisoners must be upheld, as noted by the Human Rights Committee (see CCPR/C/21/Rev.1/Add.4, para. 8).

84. The Independent Expert is convinced of the usefulness of the role of minority rights protection and dedicated minority rights mechanisms in the prevention of conflict and the promotion of social stability. This is also enshrined in the Preamble of the Declaration, which reads "the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States". States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator. Failure to do so often leads to repeated and more severe violations.

[20] Communications reports of Special Procedures, A/HRC/22/67, p. 73, EGY11/2012 regarding alleged loss of homes and businesses by sectarian violence, firebombing and torching, deaths, fleeing in fear of revenge attacks, looting and lack of protection by security forces that were present.

85. The Minority Rights Group International has documented the impact of conflict and instability on religious minorities in Iraq, including Muslim minorities, Baha'is, Christians, Armenians, Chaldo-Assyrians, Faili Kurds, Palestinians, Jews, Sabean Mandaeans, Turkmen, Yazidis and others. The Group states that minorities in Iraq have continued to be targeted on the grounds of their religion or ethnicity since the United States-led invasion and fall of Saddam Hussein in 2003. They have suffered from killings, kidnappings, torture, harassment, forced conversions and the destruction of homes and property. Women have been subjected to rape and forced to wear *hijab*.[21] Persecution, human rights violations and targeted attacks have led to vast numbers of internally displaced persons and a mass exodus of some religious communities to neighbouring countries where they continue to experience challenges as religious minorities.

12. Dialogue and interfaith exchanges

86. The Independent Expert is encouraged by the variety of projects around the world that seek to advance understanding and respect between persons belonging to majorities and minorities. These are advanced by States, by the State in partnership with international agencies, by non-governmental organizations (NGOs), or by coalitions of State-NGO-religious community actors. States should take a facilitative role in the promotion of inclusive interreligious dialogue and interreligious projects in the advancement of understanding and interfaith exchanges.

87. Patterns of discrimination against religious minorities that have long become part of the fabric of societal norms need a particularly focused intervention by the State. The State has the duty to invest heavily in educating society about the need to acknowledge such patterns of discrimination and reform, thereby creating a new culture of human rights. This will not only benefit the minorities concerned but also strengthen society at large. The role of religious and political leaders in helping to build tolerant, inclusive societies and to initiate and support efforts and activities cannot be overstated. Such influential community and national figures should be at the forefront of dialogue and intercommunity cohesion efforts as well as publicly condemning incitement to hatred and violence. Too often such leaders remain silent or participate in or support anti-minority public discourse.

88. The creation of a culture of human rights and of respect and equal enjoyment of rights by all is key. This requires ongoing and concerted efforts as the religion-belief landscape in all societies is continuously in flux. Continued efforts are required that are focused especially, but not exclusively, on children and young adults who will shape the future of interfaith understanding and acceptance. Educational, political, policy and legal actors need to be engaged and responsive to those trends and respond to them in a concerted and active manner.

IV. Conclusions and recommendations

89. **Minority rights-based approaches require concrete policy measures and positive actions by the State to create substantive equality in all areas and to protect and promote the rights of religious minorities. The broad scope of**

[21] See p. 11 of the Minority Rights Group International report, available from http://www.minorityrights.org/11106/reports/iraqs-minorities.

international legal requirements for religious minorities contrasts sharply with the multiple restrictions that States impose and which even risk the viable continuity of religious minorities at the national level.

90. **The Independent Expert considers that an appropriate venue for the elaboration of detailed recommendations on the rights of religious minorities is the Forum on Minority Issues, which will focus on the issues of religious minorities during its sixth session, in November 2013. The Forum will benefit from the participation of governmental and non-governmental actors and minority experts, and will provide an inclusive opportunity for discussion of the issues and elaboration of recommendations.**

91. **The Independent Expert provides the following broad recommendations to national Governments and the international community:**

(a) **All States should fully implement the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities with due and dedicated attention to the situation of religious minorities present in the country. In accordance with the Declaration, attention to religious minorities should include, but go beyond, freedom of religion or belief. A minority rights-based approach is required that is comprehensive in scope and that recognizes that religious minorities may require special attention and positive measures to ensure the full enjoyment of their rights to non-discrimination and equality in all aspects of society — civil, cultural, economic, political and social;**

(b) **The provisions of the Declaration should be translated by States into national legislation, and dedicated attention to religious minorities should be reflected in the national institutional frameworks for the protection of human rights, including line ministries and governmental departments, national human rights institutions and consultative bodies and mechanisms. Existing legislation should be reviewed to ensure that no provisions exist that are discriminatory or have a discriminatory impact, directly or indirectly, on persons belonging to religious minorities;**

(c) **States must ensure that the national educational environment is welcoming and non-discriminatory for those belonging to religious minorities and that reasonable accommodation is provided for them to learn about their own religion, manifest their religion, participate in their religious holidays, and learn about the religions and beliefs of others. In conformity with the Declaration, States should, where appropriate, take measures to encourage the acquisition of knowledge about the history, traditions, language and culture of the minorities existing within their territory;**

(d) **States should undertake research and data-gathering exercises, including in the context of national census surveys, aimed at compiling detailed information on the demographic and socioeconomic situation of religious minorities in their country. Such data should be quantitative and qualitative in nature and include considerations of the situation of religious minorities relative to other members of society. It should have the objective of providing a comprehensive mapping of religious communities, their situations and the challenges affecting them, and it should be carried out in consultation with and the voluntary participation of minorities;**

(e) **Fundamental to the protection and promotion of the rights of religious minorities are meaningful consultation with, and the effective participation of, religious minorities in decisions that affect them. Positive measures to ensure consultation and participation at all levels of society are required. The inclusion of religious minorities in consultative and decision-making bodies helps to ensure that their views, issues and concerns are taken into account. Where religious minorities form the majority in a particular region or locality, cultural and/or political autonomy arrangements may be considered appropriate, with due consideration given to ensuring the rights of those who may form a minority in those localities;**

(f) **The security situation of religious minorities in some States is cause for serious concern and requires the urgent attention of national Governments, regional intergovernmental human rights bodies and the United Nations. Acts of violence and widespread and systematic violations of human rights — sometimes by the State itself — threaten the very existence of religious minorities in some States or territories. States have the responsibility to protect human rights and security for all and to create conditions of peace and stability. They must act appropriately and rapidly to protect the rights and security of religious minorities under threat and prosecute anyone who commits, supports or incites violence against them;**

(g) **In multi-faith societies, efforts to build a climate of trust, understanding, acceptance and interfaith cooperation and exchange benefit the whole of society and are essential elements of good governance and measures to prevent grievances, tensions and conflict. The active engagement and leadership of religious, community and political actors is essential to such efforts and should be encouraged and supported, including through the establishment of formal and informal mechanisms for dialogue, exchanges of views and consideration of interfaith and intercommunity initiatives.**